

1 IN THE UNITED STATES DISTRICT COURT FOR THE
2 NORTHERN DISTRICT OF OKLAHOMA

3
4 W.A. DREW EDMONDSON, in his)
5 capacity as ATTORNEY GENERAL)
6 OF THE STATE OF OKLAHOMA and)
7 OKLAHOMA SECRETARY OF THE)
8 ENVIRONMENT C. MILES TOLBERT,)
9 in his capacity as the TRUSTEE)
10 FOR NATURAL RESOURCES FOR THE)
11 STATE OF OKLAHOMA,)

12 Plaintiff,)
13)

14 vs.)

15) 4:05-CV-00329-TCK-SAJ

16 TYSON FOODS, INC., et al.,)
17)

18 Defendants.)
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28 VIDEO DEPOSITION OF JOHN LITTLEFIELD,
29 produced as a witness on behalf of the Defendants in
30 the above styled and numbered cause, taken on the
31 2nd day of August, 2007, in the City of Tulsa,
32 County of Tulsa, State of Oklahoma, before me, Karla
33 E. Barrow, a Certified Shorthand Reporter, duly
34 certified under and by virtue of the laws of the
35 State of Oklahoma.

1 MR. BROWN: David Brown for Willow Brook.

2 MS. BRONSON: Vicki Bronson for Simmons.

3 VIDEOGRAPHER: Thank you. You can swear
4 the witness.

5 JOHN LITTLEFIELD,
6 being first duly sworn to tell the truth, the whole
7 truth and nothing but the truth, testified as
8 follows:

9 DIRECT EXAMINATION

10 BY MR. ELROD:

11 Q Mr. Littlefield, my name is John Elrod. I
12 represent Simmons Foods in this matter, and I'm
13 going to have a few questions for you. We've not
14 met before today, have we, sir?

15 A No, sir.

16 Q And would you tell me what your name and
17 address is for the record?

18 A John L. Littlefield, 38327 South 4370 Road,
19 Adair, Oklahoma 74330.

20 Q How long have you lived in Adair?

21 A Approximately two years at that place.

22 Q All right, sir. Are you a high school
23 graduate?

24 A Yes.

25 Q What town and what year?

1 farms.

2 Q (By Mr. Elrod) And will you agree with me
3 that the location of the application of chicken
4 litter, and so long as you are complying with your
5 animal waste management plan, the rate of
6 application of chicken litter are decisions that are
7 made by either commercial applicators or the growers
8 themselves and not by other companies?

9 A I think that's true.

10 Q Okay. Are you familiar with the cooperative
11 agreement between the Department of Agriculture and
12 the Oklahoma Attorney General's Office?

13 A No, I'm not acquainted with any.

14 Q You just saved yourself 15 minutes.

15 A Good.

16 Q Do you agree with Secretary Peach that the
17 Oklahoma Department of Agriculture has no concern
18 about arsenic runoff from chicken litter?

19 A Well, I don't know what Commissioner Peach has
20 said.

21 Q Well, let me represent to you that on page 56
22 of the deposition he gave last year in another case,
23 that that was his testimony. Have you ever heard
24 any concern voiced outside of this lawsuit about
25 arsenic in chicken litter being run off into the

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1 in my area I'm talking about.

2 Q Okay.

3 A But occasionally we do.

4 Q And when you say your area, do you mean your
5 geographic area?

6 A I'm talking about -- yes, my geographic area.
7 I'm talking about the counties that I -- I have
8 growers in.

9 Q In the second paragraph there, the last line,
10 do you have a grower whose last name is Hammonds?
11 It says, please use the OSU protocols for soil and
12 poultry waste sampling procedures that were
13 previously sent to you for the Hammond sampling?

14 A I have a grower that is named Hammonds that I
15 just had done a sampling on, and that's what he was
16 referring to.

17 Q That's what I assumed, but as Mr. Nance would
18 tell you, he's probably not surprised I asked that
19 question.

20 A Right.

21 Q I represent George's. I should have said
22 that --

23 A Yeah, I knew you did.

24 Q Do you have any George's contract growers in
25 your area?

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1 A Yes, I do.

2 Q How many? I'm not going to test you on this.

3 A Yeah, don't. I think -- I think I have now
4 have two.

5 Q Do you happen to know their names, off the top
6 of your head?

7 A Well, Glen is one of them, Glen Brothers.

8 Q Okay.

9 A And the other one is Martin Baer, Byer.

10 Q Yes, sir. You said you currently have two
11 George's growers. Has the number of George's
12 growers in your area decreased, say over --

13 A No.

14 Q -- the last five years?

15 A No, I -- I probably said that wrong. I can't
16 remember -- I've never had very many.

17 Q Right.

18 A And I think even that Martin Baer has changed
19 integrators. Maybe he hasn't.

20 Q I'd represent to you that I don't know of it
21 if he has.

22 A Okay. But anyway, I've had some and some that
23 did, yes, sir.

24 Q But regarding the two that you currently have,
25 to your knowledge, have either of those folks, on

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1 their farms, caused a discharge of phosphorus into
2 the waters of Oklahoma?

3 **A** Not to my knowledge, no, sir.

4 **Q** Do you know if they've ever caused a runoff of
5 poultry waste from their property?

6 **A** Not to my knowledge.

7 **Q** To your knowledge, have they ever polluted the
8 waters of the state of Oklahoma?

9 **A** Not to my knowledge.

10 **Q** I told you, infantry guys are short and sweet.

11 **A** There you are. I appreciate that.

12 DIRECT EXAMINATION

13 BY MS. HILL:

14 **Q** We'll see if we can keep getting shorter as we
15 go along, Mr. Littlefield. We met earlier today.
16 I'm Theresa Hill, again, and I represent Cargill
17 entities, and I just wanted to go back over a few of
18 the exhibits that we've gotten today. Would you
19 turn to Exhibit No. 3? You've got it. You were
20 cc'd on that letter. You were copied on the letter,
21 at the bottom it shows?

22 **A** Yes.

23 **Q** Is that something that you would have kept in
24 your files at home, an example of a letter?

25 **A** Probably.

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